

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9129 of 2017

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Gopal Shankar Singh son of Laxmi Narayan Singh, resident of Village-
Rampur, P.S.- Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Department of Education, Government of Bihar, New Secretariat, Pat
3. The Deputy Director, Primary Education, Department of Education.
4. The Regional Deputy Director of Education R.D.D.E., Bhagalpur Division, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The District Programme Officer Establishment, Bhagalpur.
7. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Bhagalpur.
8. The Block Education Officer, Nathnagar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha
For the Respondent/s : Mr. Madhaw Pd. Yadav- Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

9 15-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner has filed the present writ application for a
direction to the respondents challenging the office order dated
29.10.2016 whereby the petitioner has been put under
suspension. During the pendency of the writ application
respondents have revoked the order of suspension on
29.07.2017.

Learned counsel appearing on behalf of petitioner



submits that the respondents have not initiated any departmental proceeding. He submits that suspension in contemplation of departmental proceeding is permissible but suspension for suspension sake is not permissible. He further submits that respondents have not initiated any departmental proceeding and after keeping the petitioner put under suspension for a period of nine months, the suspension of the petitioner was revoked without initiating departmental proceeding.

In the aforesaid circumstances, the petitioner is entitled for payment of salary for the period of suspension as no departmental proceeding was initiated against the petitioner.

Learned counsel appearing on behalf of respondents submits that after revocation of suspension petitioner has been paid salary.

Considering the fact that petitioner was put under suspension on 29.10.2016 purportedly in contemplation of departmental proceeding but no departmental proceeding was initiated and as such the Court does not find any justification to deny the petitioner salary for the period of suspension.

Accordingly, the present writ application is allowed, respondents are directed to ensure payment of salary for the period of suspension from 29.10.2016 to 29.07.2017 within a



period of 60 days from the date of receipt/production of copy of this order.

In the event, there is delay on the part of respondents on payment of salary after deducting the subsistence allowance for the period indicating herein above, the respondent District Programme Officer (Establishment), Bhagalpur would be under obligation to pay interest at the rate of 9% per annum from the date the petitioner was put under suspension to the date of actual payment from his own pocket.

(Anil Kumar Upadhyay, J)

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